

Amendments to the Drawings:

The attached sheet includes drawings in the form as set forth in the priority document. This sheet, which include Figures 1 and 2, replaces the previous sheet filed with the Application, which previous sheet was submitted in error.

Attachment: Replacement Sheet

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Remarks/Arguments

As of the Action, Claims 1-7 are pending in the Application. Claims 1-7 stand rejected.

Applicant herein amends Claims 1-7, so as to correct matters of form and remove limitations. Applicant herein also amends by adding new Claims 8-13. These new Claims pursue the Application's subject matter via dependent claims. Applicant submits that these amendments add no new matter.

Applicant notes that the Claims, as amended, are no greater in number than the independent and total claims provided under the previously paid Office fees. As such, no excess claims fees are due.

Applicant further notes that this Amendment and Response is being filed within the three month shortened statutory period and, as such, no extension of time is required. However, if any such extension of time is determined to be required, this shall serve as a request for any such required extension, pursuant to 37 CFR 1.136.

In view of the Claims as set forth above and the remarks below, Applicant respectfully requests reconsideration and further examination of this Application.

Amendment of Drawings. In this Amendment and Response, Applicant submits a Replacement Sheet that includes Figures 1 and 2. These Figures are in the form as set forth in the priority document, as to which a certified copy has been previously filed (as acknowledged in the Action). Figures 1 and 2 of the Replacement Sheet replace the previous sheet, filed 9 February 2005, which previous sheet was submitted in error.

Amendment of Specification. The Action required correction of the Specification as to references to the Claims therein.

Page 9 of 13 – RESPONSE TO OFFICE ACTION DATED 13 SEPTEMBER 2006
U.S. APP. NO. 10/524,075

In this Amendment and Response, Applicant has corrected the Specification in accordance with the Action's suggestions, using the published Application's paragraph numbers to reference the amendments. Accordingly, Applicant respectfully requests reconsideration and removal of this objection.

Rejection of Claims as Obvious. The Action rejects all Claims under 35 U.S.C. §103(a) as being unpatentable over Magnus et al., U.S. Patent No. 2,423,245 ("Magnus") in view of Bosland, U.S. Patent No. 3,802,309 ("Bosland"). (Together Magnus and Bosland are referred to herein as the "References".)

Applicant respectfully submits that the Action provides no case for the References teaching or suggesting the subject matter of the Claims, as amended. As an example, independent Claim 1 recites "blocking means, provided to interact with the supply, such that the supply is secured against rotation as the wind-up reel is driven in rotation with the aid of the motor". However, the Action's designations to the References simply fail to teach or suggest such "blocking means". To illustrate as to the Application's original Claim 5 (wherein "blocking means" was previously first recited):

- 1) Blocking means is claimed that interacts with the supply so that, when in a blocking position, the blocking means blocks the pulling away of depilating tape from the supply.
- 2) When the blocking means is blocking the supply, it is understood from new Claim 1 that the motor is provided so as to take up depilating tape that was previously adhering to the skin of a person (e.g., depilating tape that contains removed hairs and which is a "loose loop", as described in paragraph [0003] of the Application, as published).

- 3) The Action states that "'the blocking means' is interpreted to be the brake of Bosland". From this designation to Bosland, the Action concludes that Bosland teaches that "the brake engages the drive shaft and stops it from further motion, thereby not allowing any more tape to be removed from the supply reel".
- 4) These Action's statements and conclusions, however, fail to teach or suggest the "blocking means" as claimed, including the arrangement of this element with other elements. That is, although the Action has the motor's brake satisfying "blocking means" and this brake preventing tape removal from the supply, the Action fails to recognize that, per Claim 1, the motor drives the take-up reel (i.e. not the supply). As such, any motor braking will be of the take-up reel (i.e., not the supply) and, in any case, motor braking is absent when blocking means is blocking because, during such blocking, the motor drives the take-up reel (i.e., the motor cannot both drive and brake such reel).
- 5) Accordingly, as per claim 1, the motor's brake, if any (as this is only introduced by the Action), cannot act as, and thus, does not teach or suggest, "blocking means" as that element is claimed in Applicant's Claim 1, as amended.

As established at least by the above example, Applicant respectfully submits that the Action fails to make a case for the References, together or separately, teaching or suggesting all elements (and the arrangements thereamong) of Applicant's Claim 1, as amended.

Applicant further submits that the Application's dependent Claims are also neither taught nor suggested by the Action's designations to the References (e.g., because each such Claim depends ultimately from, and thereby includes at least the limitations of, independent Claim 1).

Provisional Rejection for Double Patenting. The Action rejects all Claims under 35 U.S.C. §101 for statutory double patenting, in light of the claims set forth in co-pending U.S. Patent Appl. No. 10/524,071. The Action states that the rejection is provisional.

Applicant acknowledges the provisional rejection. Applicant respectfully submits that, in light of the Claim amendments herein, the provisional rejection is moot.

CONCLUSION

Applicant respectfully submits that, in view of the foregoing remarks and/or amendments, the Claims pending in the Application are in condition for allowance. Applicant respectfully requests reconsideration and favorable action.

Generally, in this Amendment and Response, Applicant has not raised all possible grounds for (a) traversing the rejections of the Action or (b) patentably distinguishing the new Claims (i.e., over the Cited References or otherwise). Applicant, however, reserves the right to explicate and expand on any ground already raised and/or to raise other grounds for traversing and/or for distinguishing, including, without limitation, by explaining and/or distinguishing the subject matter of the Application and/or any cited reference at a later time (e.g., in the event that this Application does not proceed to issue with the Claims as herein amended, or in the context of a continuing application). Applicant submits that nothing herein is, or should be deemed to be, a disclaimer of any rights, acquiescence in any rejection, or a waiver of any arguments that might have been raised but were not raised herein, or otherwise in the prosecution of this Application, whether as to the original Claims or as to any of the new Claims, or otherwise.

Page 12 of 13 – RESPONSE TO OFFICE ACTION DATED 13 SEPTEMBER 2006
U.S. APP. NO. 10/524,075

Without limiting the generality of the foregoing, Applicant reserves the right to reintroduce one or more of the original Claims in original form or otherwise so as to claim the subject matter of those Claims, both/either at a later time in prosecuting this Application or in the context of a continuing application.

The Commissioner is hereby authorized to charge any fees, additional fees, or underpayments, or to credit any overpayments, to the undersigned attorney's Deposit Account No. 50-1001; provided, however, that such fees, underpayments or overpayments must arise solely in connection with this Amendment and Response. Otherwise, the Commissioner should review and follow any authorization previously given by Applicant to charge certain such fees and credit certain such overpayments to the Applicant's separate Deposit Account (No. 14-1270).

Respectfully submitted,



Michael E. Schmitt
Registration No. 36,921
P. O. Box 2200
Hillsboro, Oregon 97123
Telephone: (503) 844-9009
Facsimile: (503) 296-2172
email: mail@ganzlaw.com

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Correspondence to:

Phillips Intellectual Property & Standards
1109 McKay Drive; Mail Stop SJ41
San Jose, CA 95131 USA
Telephone: (408) 474-9073; Facsimile: (408) 474-9082
USPTO Customer Number: 24738